



CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 03/03/99

ORAL JUDGEMENT

1. The grievance of the petitioner in this writ petition under Article 226 of the Constitution of India is that he has been illegally detained under the detention order dated 15.7.1998 passed by the Police Commissioner, Ahmedabad and that the said order be quashed and the petitioner be released from illegal detention forthwith.

2. On the basis of registration of one case, inter-alia, under Section 392 of the Indian Penal Code on 11.6.1998 and further on the basis of statements of two confidential witnesses the petitioner was declared as dangerous person and finding his activities prejudicial for maintenance of public order the impugned order of detention was passed.

3. This order has been challenged on the ground that the activities of the petitioner were not prejudicial for maintenance of public order. It was also pointed out that along with the petitioner two of his associates Faruk and Raju were likewise detained under PASA and they challenged the detention order in which same single offence was involved and the same two confidential witnesses gave their statements. The detention order against co-detenu Faruk and Raju Rupaji Thakor was examined by this Court in Special Civil Application No.6958/98 and 10964/98, decided on 10.2.1999 and 24.2.1999 respectively and was quashed. Since the petitioner has been detained on the same ground the detention order against him also cannot be sustained.

4. In the result the writ petition succeeds and is hereby allowed. The detention order dated 15.7.1998 is hereby quashed. Since the petitioner is already in judicial custody in connection with CR No.97/98 he will therefore be released unless wanted in aforesaid CR Number or in any other criminal Case.

sd/-

Date : March 03, 1999 ( D. C. Srivastava, J. )

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